

REMARKS

Claims 52-84 are pending in this application and have been subjected to election of a single disclosed species for prosecution on the merits under 35 U.S.C. §121. In the Examiner's opinion, as set forth in the Detailed Action, the application contains generic claims and each formula for the peptide immunogens as well as each component that make up the individual formulas are structurally distinct.

The Applicant is required to elect a single disclosed species for prosecution on the merits from the following alleged species of claim 56:

Species 1	-	(A) _n -(FAFSD peptide)-(B) _o -(Th) _m -X;
Species 2	-	(A) _n -(Th) _m -(B) _o -(FAFSD peptide)-X;
Species 3	-	(FAFSD peptide)-(B) _o -(Th) _m -(A) _n -X; and
Species 4	-	(Th) _m -(B) _o -(FAFSD peptide)-(A) _n -X

As stated above, the Applicant provisionally elect:

- 1) Species 2 having the formula (A)_n-(Th)_m-(B)_o-(FAFSD peptide)-X corresponding to SEQ ID NOs: 78-79 for prosecution. If, however, the Applicant is further restricted to choose a single sequence, then the Applicant elects SEQ ID NO:78;
- 2) n=0, thereby A does not have a specific sequence;
- 3) the combinatorial T helper cell site, Th= SEQ ID NOs: 49-50. If, however, the Applicant is further restricted to elect a single sequence, then the Applicant elects SEQ ID NO:49, and m=1;
- 4) B= Glycine, and o=2;
- 5) FAFSD peptide is SEQ ID NO:8; and
- 6) X is α -CONH₂

Applicants respectfully disagree with the election requirement imposed by the Examiner and the characterizations made of the claimed invention. Accordingly, this election is made with traverse. More specifically, the Applicant respectfully submits that (1) the Applicant is entitled to a reasonable number of species disclosed in an application in accordance with 37 C.F.R. §1.146; and (2) there would be no undue burden on the Examiner to conduct a substantive

examination of the claims as related to the embodiments disclosed in the instant application. Therefore, the Applicant respectfully requests that the election requirement be withdrawn.

CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the election requirement of claims and allowance of this application.

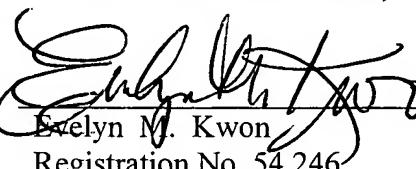
AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 1151-4165US1. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 1151-4165US1. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: September 21, 2005

By: 

Evelyn M. Kwon
Registration No. 54,246

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
Previously presented York, NY 10281-2101

(212) 415-8700
(212) 415-8701

Telephone
Facsimile